

Defendants.

NOTICE OF REMOVAL

2. This action is one in which the United States District Courts have original jurisdiction, because the action involves a controversy which is wholly between citizens of different states, in that upon information and belief, the Plaintiffs were at the time of the commencement of this action, and still are, citizens of the State of South Carolina. Specifically,

as alleged in the Complaint, Plaintiffs are both citizens of Lexington County of the State of South Carolina. Defendant Trinity Transport, Inc. was at the time of this accident, and still is, incorporated in the State of North Carolina with its principal place of business in Lexington, North Carolina. The affidavit of Dave Riley swearing to Defendant Trinity Transport, Inc.'s citizenship is attached hereto as Exhibit B. Moreover, Defendant Trinity Transport, Inc.'s Annual Report filed with the North Carolina Secretary of State's Office is attached hereto as Exhibit C. Defendant William R. Ray, as alleged in the Complaint, is, and at the time of this accident, was a citizen and resident of the State of Tennessee. Defendant William R. Ray's affidavit swearing that he is a Tennessee citizen is attached hereto as Exhibit D.

3. The Defendants are entitled to removal of the aforesaid action to this Court because complete diversity of citizenship exists between the Plaintiffs and the Defendants and the amount in the controversy exceeds the jurisdictional amount required by 28 U.S.C. § 1332. Plaintiffs have produced medical bills they claim were caused by this accident, which far exceed the \$75,000.00 dollar jurisdictional threshold requirement. Defendants will submit these bills to the Court upon request.¹ Therefore, the amount in controversy requirement of 28 U.S.C. § 1332 has been met and satisfied, and Defendants are entitled to remove this action pursuant to 28 U.S.C. § 1332.

4. This action was commenced by the filing of the Complaint, attached hereto as Exhibit A, on March 1, 2021. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is filed within thirty (30) days of the Complaint being filed. The Defendants will serve an Answer or responsive pleading as provided by law.

¹ Based upon the medical bills produced by Plaintiffs' counsel pre-suit, Rosa Shivers has approximately \$20,526.00 in medical bills and has pled for non-economic damages (i.e. pain and suffering, mental anguish, etc.). Calvin Shivers has approximately \$174,801.35 dollars in medical bills and has pled for non-economic damages too.

5. The Honorable Jeanette W. McBride, Clerk of Court of Richland County, has been provided a copy of this Notice of Removal.

WHEREFORE, these Defendants give notice that the aforesaid action is removed from the Circuit Court of Richland County, State of South Carolina, and to this Court for trial and determination.

MCANGUS GOUDELOCK & COURIE, L.L.C.

s/ Sterling G. Davies

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Columbia, South Carolina
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